

By: Murphy

H.B. No. 4051

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the notice requirements for bills proposing the
3 creation of or annexation of land to certain special purpose
4 districts.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. The heading to Section 313.006, Government Code,
7 is amended to read as follows:

8 Sec. 313.006. NOTICE FOR LAWS ESTABLISHING OR ADDING
9 TERRITORY TO MUNICIPAL MANAGEMENT DISTRICTS.

10 SECTION 2. Sections 313.006(a), (b), and (d), Government
11 Code, are amended to read as follows:

12 (a) In addition to the other requirements of this chapter, a
13 person, other than a member of the legislature, who intends to apply
14 for the passage of a law establishing or adding territory to a
15 special district that incorporates a power from Chapter 375, Local
16 Government Code, must provide notice as provided by this section.

17 (b) The person shall notify by mail each person who owns
18 real property [~~in the~~] proposed to be included in a new district or
19 to be added to an existing district, according to the most recent
20 certified tax appraisal roll for the county in which the real
21 property is owned. The notice, properly addressed with postage
22 paid, must be deposited with the United States Postal Service not
23 later than the 30th day before the date on which the intended law is
24 introduced in the legislature.

1 (d) The person is not required to mail notice to a person who
2 owns real property in the proposed district or in the area proposed
3 to be added to a district if the property cannot be subject to an
4 assessment by the district.

5 SECTION 3. Section 375.022(b), Local Government Code, is
6 amended to read as follows:

7 (b) The petition must be signed by[+]

8 [~~(1)~~] the owners of a majority of the assessed value of
9 the real property in the proposed district, according to the most
10 recent certified county property tax rolls[~~;~~ ~~or~~

11 [~~(2)~~ ~~50 persons who own real property in the proposed~~
12 ~~district if, according to the most recent certified county property~~
13 ~~tax rolls, more than 50 persons own real property in the proposed~~
14 ~~district~~].

15 SECTION 4. Section 49.302(b), Water Code, is amended to
16 read as follows:

17 (b) A petition requesting the annexation of a defined area
18 signed by a majority in value of the owners of land in the defined
19 area, as shown by the tax rolls of the central appraisal district of
20 the county or counties in which such area is located, [~~or signed by~~
21 ~~50 landowners if the number of landowners is more than 50,~~] shall
22 describe the land by metes and bounds or by lot and block number if
23 there is a recorded plat of the area and shall be filed with the
24 secretary of the board.

25 SECTION 5. Section 54.014, Water Code, is amended to read as
26 follows:

27 Sec. 54.014. PETITION. When it is proposed to create a

1 district, a petition requesting creation shall be filed with the
2 commission. The petition shall be signed by a majority in value of
3 the holders of title of the land within the proposed district, as
4 indicated by the tax rolls of the central appraisal district. [~~If~~
5 ~~there are more than 50 persons holding title to the land in the~~
6 ~~proposed district, as indicated by the tax rolls of the central~~
7 ~~appraisal district, the petition is sufficient if it is signed by 50~~
8 ~~holders of title to the land.~~]

9 SECTION 6. Section 54.016(a), Water Code, is amended to
10 read as follows:

11 (a) No land within the corporate limits of a city or within
12 the extraterritorial jurisdiction of a city, shall be included in a
13 district unless the city grants its written consent, by resolution
14 or ordinance, to the inclusion of the land within the district in
15 accordance with Section 42.042, Local Government Code, and this
16 section. The request to a city for its written consent to the
17 creation of a district, shall be signed by a majority in value of
18 the holders of title of the land within the proposed district as
19 indicated by the county tax rolls [~~or, if there are more than 50~~
20 ~~persons holding title to the land in the proposed district as~~
21 ~~indicated by the county tax rolls, the request to the city will be~~
22 ~~sufficient if it is signed by 50 holders of title to the land in the~~
23 ~~district~~]. A petition for the written consent of a city to the
24 inclusion of land within a district shall describe the boundaries
25 of the land to be included in the district by metes and bounds or by
26 lot and block number, if there is a recorded map or plat and survey
27 of the area, and state the general nature of the work proposed to be

1 done, the necessity for the work, and the cost of the project as
2 then estimated by those filing the petition. If, at the time a
3 petition is filed with a city for creation of a district, the
4 district proposes to connect to a city's water or sewer system or
5 proposes to contract with a regional water and wastewater provider
6 which has been designated as such by the commission as of the date
7 such petition is filed, to which the city has made a capital
8 contribution for the water and wastewater facilities serving the
9 area, the proposed district shall be designated as a "city service
10 district." If such proposed district does not meet the criteria for
11 a city service district at the time the petition seeking creation is
12 filed, such district shall be designated as a "noncity service
13 district." The city's consent shall not place any restrictions or
14 conditions on the creation of a noncity service district as defined
15 by Chapter 54 of the Texas Water Code other than those expressly
16 provided in Subsection (e) of this section and shall specifically
17 not limit the amounts of the district's bonds. A city may not
18 require annexation as a consent to creation of any district. A city
19 shall not refuse to approve a district bond issue for any reason
20 except that the district is not in compliance with valid consent
21 requirements applicable to the district. If a city grants its
22 written consent without the concurrence of the applicant to the
23 creation of a noncity service district containing conditions or
24 restrictions that the petitioning land owner or owners reasonably
25 believe exceed the city's powers, such land owner or owners may
26 petition the commission to create the district and to modify the
27 conditions and restrictions of the city's consent. The commission

1 may declare any provision of the consent to be null and void.

2 SECTION 7. This Act takes effect immediately if it receives
3 a vote of two-thirds of all the members elected to each house, as
4 provided by Section 39, Article III, Texas Constitution. If this
5 Act does not receive the vote necessary for immediate effect, this
6 Act takes effect September 1, 2017.